

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CATHERINE V. SIKORSKI and JOHN SIKORSKI,

Docket No. 07 Civ. 3906  
(CLB) (LMS)

Plaintiffs,

- against -

**ANSWER TO  
CROSS-CLAIM**

FULTON CHEVROLET-CADILLAC CO., INC.,  
FULTON CHEVROLET CO., INC., HIGH POINT  
CHEVROLET, INC., FULTON/HIGH POINT  
CHEVROLET GROUP HEALTH BENEFIT  
PROGRAM, SIEBA, LTD., and JOHN DOES  
“1” through “3”, Whose Identities are Currently  
Unknown,

Defendants.

-----X  
FULTON CHEVROLET-CADILLAC CO., INC.,  
HIGH POINT CHEVROLET, INC. AND  
FULTON/HIGH POINT CHEVROLET GROUP  
HEALTH BENEFIT PROGRAM (“the Plan”),

Third-Party Plaintiffs,

-against-

THE ANCHOR GROUP and KEN HUTCHINGS,

Third-Party Defendants.  
-----X

Defendant, SIEBA, LTD., by its attorneys, L’Abbate, Balkan, Colavita & Contini, LLP, as  
and for its answer to the cross-claim of third-party defendant, The Anchor Group, LLC, and Ken  
Hutchings respectfully alleges, upon information and belief, as follows:

FIRST: Denies each and every allegation contained in paragraphs “sixty-eighth”,  
“sixty-ninth” and “seventieth” of the cross-claim.

**AS AND FOR A FIRST, SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE**

SECOND: The cross-claim asserted by third-party defendants fails to state a cause of action upon which relief may be granted.

**AS AND FOR A SECOND, SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE**

THIRD: If third-party defendants sustained injuries or damages as alleged in the cross-claim, such injuries or damages were the result of the culpable conduct of the cross-claimants. Should it be found that defendant Sieba, Ltd. is liable to cross-claimants, any such liability being specifically denied, then the defendant Sieba, Ltd. alleges that if any damages are to be found, they are to be apportioned among the defendant Sieba, Ltd. and cross-claimants according to degree of responsibility that each will be found to have in proportion to the entire measure of responsibility.

**WHEREFORE**, defendant, Sieba, Ltd., demands judgment dismissing the cross-claim together with the costs and disbursements of this action.

L'ABBATE, BALKAN, COLAVITA  
& CONTINI, L.L.P.

By: 

Peter L. Contini, Esq. (PC 0169)

Attorneys for Defendant

Sieba Ltd.

1001 Franklin Avenue, Third Floor

Garden City, New York 11530

(516) 294-8844

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK       )  
  ) SS.:  
COUNTY OF NASSAU       )

**KAREN R. LUCERO**, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides at Nassau County, New York.

That on the 7<sup>th</sup> day of November, 2007, deponent served the within **ANSWER TO CROSS-CLAIM** upon:

Jeffrey S.E. Sculley, Esq.  
RIDER, WEINER & FRANKEL, P.C.  
Attorneys for Plaintiff  
655 Little Britain Road  
New Windsor, New York 12553  
(845) 562-9100

Richard Golden, Esq.  
BURKE, MIELE & GOLDEN, LLP  
Attorneys for Defendants  
Fulton Chevrolet-Cadillac Co., Inc.,  
Fulton Chevrolet Co., Inc.,  
Highpoint Chevrolet, Inc. and  
Fulton/High Point Chevrolet  
Group Health Benefit Program  
30 Matthews Street, Suite 303A  
P. O. Box 216  
Goshen, New York 10924  
(845) 294-4080

Robert M. Sullivan, Esq.  
SULLIVAN & MANAREL LLP  
Attorneys for Third-Party Defendants  
The Anchor Group and Ken Hutchings  
1350 Broadway – Suite 1001  
New York, New York 10018

the attorney(s) for the respective parties in this action, at the above address(es) designated by said attorney(s) for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

  
\_\_\_\_\_  
**KAREN R. LUCERO**

Sworn to before me this  
7<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Notary Public

PETER L. CONTINI  
Notary Public, State of New York  
No. 4637417  
Qualified in Suffolk County  
Commission Expires July 31, 2012